

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 THE TRAVELERS INDEMNITY
10 COMPANY OF CONNECTICUT,

11 Plaintiff,

12 v.
13 LAKESIDE EQUIPMENT
14 CORPORATION, et al,

Defendant.

CASE NO. C12-5730RBL

15 ORDER

16 Travelers seeks an order granting summary judgment [Dkt. #37] confirming that it has
17 fulfilled all obligations owed to Lakeside arising out of the City of Shelton's lawsuit against
18 Lakeside and Pease & Sons. Lakeside responds by saying that Travelers mischaracterizes
19 Lakeside's claims. Travelers and Lakeside agree that Travelers promptly investigated the City's
20 claims against Lakeside, accepted the defense without reservation, and settled the City's claims
21 within the policy limits. Travelers owed no further obligation to Lakeside in the City's lawsuit.
22 With this bare bones recitation of facts, the Court can find no case or controversy to resolve.

23 There is, however, a case or controversy stated in the larger story involving the
24 subrogation claims arising out of the global settlement between Lakeside, its insurer (Travelers),

1 Pease & Sons, its insurer (Admiral) and the City. Travelers is not requesting the Court to rule as
2 to any obligations owed by Travelers in regard to the Admiral cross-claims. Travelers has
3 agreed to fully and completely defend Lakeside from those claims. The Court has been advised
4 that Admiral and Travelers have agreed in principle to release Admiral's cross-claims against
5 Lakeside with prejudice and release all claims against Lakeside without any recovery.

6 Applying the Rule of Common Sense, the Court is inclined to do nothing at this juncture.
7 If, and when, the cross-claims between the defendants are settled, the parties can clearly and
8 concisely articulate any remaining claims and defenses. Then, and only then, will the Court
9 resolve the dispute.

10 Dated this 20th day of August, 2013.

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12 Ronald B. Leighton

13 RONALD B. LEIGHTON
14 UNITED STATES DISTRICT JUDGE

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